

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

HERITAGE PACIFIC FINANCIAL, LLC,	§	Case No. 4:13-mc-00010-RC
Plaintiff/Judgment Debtor	§	
v.	§	
JESUS MONTANO	§	
Defendant/Judgment Creditor	§	
and	§	
CAPITAL ONE, NATIONAL	§	
ASSOCIATION, a Virginia financial	§	
institution	§	
Garnishee	§	

ORIGINAL ANSWER OF GARNISHEE CAPITAL ONE, NATIONAL ASSOCIATION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Capital One, National Association, and makes the following response to the Writ of Garnishment served upon it herein:

I.

That at the time of the Writ of Garnishment service herein, and currently, Garnishee was and is indebted to Heritage Pacific Financial, LLC, as follows:

<u>NAME</u>	<u>LAST FOUR DIGITS</u>	<u>ACCOUNT TYPE</u>	<u>AMOUNT</u>
Heritage Pacific Financial, LLC	3849	Checking	\$33.23
Heritage Pacific Financial, LLC	3857	Checking	\$68.05

Garnishee was not at the time of Writ of Garnishment service herein, and is not currently, otherwise indebted to the Defendant, was not and is not in possession of Defendant's effects of any nature and was not and is not aware of any other person, firm or corporation indebted to the said Defendant or possessing any of the said Defendant's effects of any nature.

II.

Garnishee would further show it has employed the undersigned attorney to represent it in this garnishment action and to prepare and file its Answer herein, and that a reasonable compensation to this Garnishee for its Garnishee's attorney's fees would be at least Seven Hundred Fifty Dollars (\$750.00) for which Garnishee prays judgment of the Court herein. Garnishee would further pray that all costs incurred including a reasonable attorney's fee be taxed against the Defendant herein, and the fund garnished, and if it be shown that the Defendant is insolvent or is otherwise incapable of paying Garnishee's costs taxed against such Defendant, that such costs be taxed against Garnishor.

WHEREFORE, PREMISES CONSIDERED, Garnishee, Capital One, National Association prays that upon final hearing hereon, the Court enter such judgment as it may deem just and proper, protecting this Garnishee in all respects and awarding it a reasonable compensation for its Garnishee's attorney's fees in the amount of at least Seven Hundred Fifty Dollars (\$750.00), and for such other and further relief, both general and special, both in law and in equity, to which Garnishee may be justly entitled.

Respectfully submitted,

Palmer & Manuel, LLP
8350 North Central Expressway; Suite 1111
Dallas, Texas 75206
Phone: (214) 242-6444
Fax: (214) 265-1950

By: //s// Alan S. Leibel
Alan S. Leibel
Texas Bar No. 12075500
Attorney for Garnishee,
Capital One, National Association

STATE OF VIRGINIA §
 §
COUNTY OF HENRICO §

BEFORE ME, the undersigned Notary Public in and for said County and State, on this day personally appeared Lori Goetz, a duly authorized officer and agent of Capital One, National Association, who after being duly sworn did on his/her oath depose and state that the statements contained in the above and foregoing Garnishee's Original Answer are within his/her personal knowledge and are true and correct.

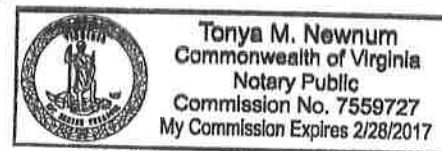


Lori Goetz

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by the said Lori Goetz, on this the 9 day of October, 2013, to certify which witness my hand and seal of office.



Notary Public in and for the State of Virginia



CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Original Answer of Garnishee Capital One, National Association has been served on the following individuals as follows on the 9th day of October, 2013:

VIA CM/ECF:

Tessa Meyer Santiago, Esq.
Lincoln Law, LLC
921 W. Center Street
Orem, Utah 84057

VIA CMRRR AND REGULAR U.S. MAIL:

Heritage Pacific Financial, LLC
2200 Avenue K
Plano, Texas 75074

//s// Alan S. Leibel
Alan S. Leibel